

House File 2254 - Introduced

HOUSE FILE 2254

BY ANDERSON

A BILL FOR

1 An Act relating to nonlawyers providing assistance to landlords
2 or tenants with the electronic filing of small claims forms.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. NEW SECTION. 562A.35A **Electronic filing of small**
2 **claims forms — nonlawyer assistance.**

3 1. A person who is not an attorney licensed to practice
4 in this state may assist a landlord or a tenant who seeks to
5 enforce a remedy provided by this chapter as a small claim
6 under chapter 631 by doing any of the following:

7 a. Typing information provided by the landlord or tenant
8 into an electronic file, including a fillable portable document
9 format file, on a form prescribed by the supreme court under
10 section 631.15.

11 b. Electronically filing a form prescribed by the supreme
12 court under section 631.15 with the judicial branch.

13 2. A person who is not an attorney licensed to practice in
14 this state shall not advise a landlord or tenant as to any of
15 the following:

16 a. Which form should be filed.

17 b. The information to be included on the form.

18 c. The legal effect of a form.

19 d. The time period in which the landlord or tenant has to
20 file a form.

21 3. A person's actions that comply with this section shall
22 not be deemed to be the unauthorized practice of law.

23 Sec. 2. NEW SECTION. 562B.33 **Electronic filing of small**
24 **claims forms — nonlawyer assistance.**

25 1. A person who is not an attorney licensed to practice
26 in this state may assist a landlord or a tenant who seeks to
27 enforce a remedy provided by this chapter as a small claim
28 under chapter 631 by doing any of the following:

29 a. Typing information provided by the landlord or tenant
30 into an electronic file, including a fillable portable document
31 format file, on a form prescribed by the supreme court under
32 section 631.15.

33 b. Electronically filing a form prescribed by the supreme
34 court under section 631.15 with the judicial branch.

35 2. A person who is not an attorney licensed to practice in

1 this state shall not advise a landlord or tenant as to any of
2 the following:

3 a. Which form should be filed.

4 b. The information to be included on the form.

5 c. The legal effect of a form.

6 d. The time period in which the landlord or tenant has to
7 file a form.

8 3. A person's actions that comply with this section shall
9 not be deemed to be the unauthorized practice of law.

10 EXPLANATION

11 The inclusion of this explanation does not constitute agreement with
12 the explanation's substance by the members of the general assembly.

13 This bill relates to nonlawyers providing assistance to
14 landlords or tenants with the electronic filing of small claims
15 forms.

16 Under current law, an action may be brought as a small
17 claim if the plaintiff seeks \$5,000 or less. Pursuant to Code
18 section 631.15, the Iowa supreme court prescribes standard
19 forms for use in small claims actions. Current law requires
20 that the forms promulgated by the Iowa supreme court be used in
21 small claims actions. The small claims forms are to be filled
22 in electronically and must be filed electronically through the
23 judicial branch's electronic data management system unless a
24 person obtains from the court an exemption from the electronic
25 filing requirements.

26 The bill provides that a person who is not a licensed
27 attorney in the state of Iowa may assist a landlord or tenant
28 who seeks to enforce a remedy under the uniform residential
29 landlord and tenant Act (Code chapter 562A) or the manufactured
30 home communities or mobile home parks residential landlord and
31 tenant Act (Code chapter 562B) with an electronic form. A
32 nonlawyer may type in information a landlord or tenant provides
33 into an electronic form and may electronically file the form
34 with the judicial branch.

35 The bill provides that a person who is not a licensed

1 attorney in the state of Iowa cannot advise a landlord or
2 tenant as to which form should be filed, the information to be
3 included on the form, the legal effect of a form, or the time
4 period in which the landlord or tenant has to file a form.

5 The bill provides that a person's actions that comply with
6 the provisions of the bill shall not be deemed to be the
7 unauthorized practice of law.